

# BOARD OF LEGAL DOCUMENT PREPARERS

## Amended Meeting Agenda – Monday, May 23, 2016

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

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**CALL TO ORDER.....Mary Carlton, Chair**

**1) REVIEW AND APPROVAL OF MEETING MINUTES.....Mary Carlton, Chair**

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of March 28, 2016.*

**2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION.....Division Staff**

*2-A: Review, discussion and possible action regarding complaint number 15-L021, involving Georgiana Aguilar.*

*2-B: Review, discussion and possible action regarding complaint number 15-L022, involving Georgiana Aguilar.*

*2-C: Review, discussion and possible actions regarding:*

*i. Complaint numbers 15-L008/15-L009; and*

*ii. Renewal of certification involving certificate holders, Penny Burley and That Paralegal Place.*

**3) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff**

*3-A: Review, discussion and possible action regarding the following applications for initial, individual, business entity legal document preparer certification and business entity exemption requests:*

- 1. Catherine Nortier*
- 2. Maria Flores*
- 3. Guardianship Assistance, LLC*
- 4. MP Legal Services, LLC*

5. Janie Stover
6. Maricela Regalado
7. Robert Smith

3-B: *Update and possible action regarding the denial of Bernadette Barba's initial certification application and Cease and Desist.*

**4) RENEWAL CERTIFICATION APPLICATIONS.....Division Staff**

4-A: *Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification:*

1. Fedelyne Bernabe
2. Edna Gomez-Green
3. Amelia Mora
4. Vanessa Bermudez
5. Michael Law
6. Mark Lepire
7. Patricia Morrison
8. Ronald Reed

4-B: *Review, discussion and possible action regarding the following applications for renewal of business entity legal document preparer certification:*

1. AALL Immigration Services, LLC
2. AAM, LLC
3. Fresh Start Women's Foundation
4. Law and Reed, CPAs, P.C.
5. Morrison Group, Inc.

4-C: *Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification and continuing education audit submissions:*

1. Nannette Jones
2. Jacqueline Bosnic
3. Stephen Trezza
4. Conception Zambrano
5. Melissa Pullins
6. Joyce Rose

4-D: *Update regarding renewal applications.*

**5) CERTIFICATION AND ELIGIBILITY .....Division Staff**

5-A: *Review, discussion and possible action regarding request for voluntary surrender from the following certificate holders:*

1. Annick Rodarte, certificate number 81456
2. Brianne Roberts, certificate number 81620

5-B: *Review, discussion and possible action regarding request for waiver of continuing education requirements from certificate holder, Stephanie Villalobos.*

6) **PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING  
BERNADETTE BARBA'S REQUEST FOR CERTIFICATION AND  
SUBSEQUENT DENIAL .....Division Staff**

7) **ADMINISTRATIVE ISSUES.....Division Staff**

7-A: *Update on subcommittee to review possible Code changes concerning continuing education.*

**CALL TO THE PUBLIC.....Mary Carlton, Chair**

**ADJOURN.....Mary Carlton, Chair**

# **BOARD OF LEGAL DOCUMENT PREPARERS**

## **Agenda Summary – Monday, May 23, 2016**

### **1) REVIEW AND APPROVAL OF MEETING MINUTES**

*I-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of March 28, 2016.*

A draft of the regular session minutes for the meeting of March 28, 2016, is attached for the Board's review and consideration.

# **BOARD OF LEGAL DOCUMENT PREPARERS**

## **Agenda Summary - Monday, May 23, 2016**

### **2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION**

*2-A: Review, discussion and possible action regarding complaint number 15-L021, involving Georgiana Aguilar.*

On November 17, 2015, the Division received a complaint against certificate holder Georgiana Aguilar. The complaint alleged that Aguilar omitted the legal definition of a parcel of property from a divorce decree and that she also failed to include official bank account numbers on a decree causing unnecessary efforts to retitle them.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has not committed the alleged act(s) of misconduct as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L021.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L021.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA § 7-208(J)(5)(a) by failing to include the legal description of certain real property in a divorce decree.

It is further recommended the Board issue a Letter of Concern.

# **BOARD OF LEGAL DOCUMENT PREPARERS**

## **Agenda Summary - Monday, May 23, 2016**

### **2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION**

*2-B: Review, discussion and possible action regarding complaint number 15-L022, involving Georgiana Aguilar.*

On November 17, 2015, the Division received a complaint against certificate holder Georgiana Aguilar. The complaint alleged that Aguilar failed to place her AZ LDP certification number and name on several documents. The complaint also alleged that Aguilar was sent a customer satisfaction letter while employed with the Arizona Family Law Center in which she was thanked for her “advise” which was evidence that Aguilar engaged in the “Unauthorized Practice of Law.”

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has not committed the alleged act(s) of misconduct as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L022.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L022.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA § 7-208(F)(3) by failing to place her certification number on documents she prepared.

It is further recommended the Board issue a Letter of Concern

# BOARD OF LEGAL DOCUMENT PREPARERS

## Agenda Summary - Monday, May 23, 2016

### 2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-C: *Review, discussion and possible actions regarding:*

- i. *Complaint numbers 15-L008/15-L009; and*
- ii. *Renewal of certification involving certificate holders, Penny Burley and That Paralegal Place.*

On May 27, 2015, the Division received a complaint against certificate holder Penny Burley. The complaint alleged that Ms. Burley, through her business "That Paralegal Place," took an inordinate amount of time to prepare a probate package and was completely unresponsive to the complainant's inquiries. During the course of this investigation, Staff noted Ms. Burley never officially replied to this complaint evidenced by numerous correspondences and phone calls which were never returned.

Soon after the Board materials were posted for the January 25<sup>th</sup> board meeting, Ms. Burley did eventually contact the Division. The Division subsequently met with Ms. Burley, who acknowledged her failure to respond but offered no extenuating circumstances.

The matter was investigated and on March 29, 2016, Probable Cause Evaluator Mike Baumstark found probable cause does exist for both allegations.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Penny Burley and That Paralegal Place have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 15-L008/15-L009.

Mitigating factors: None

Aggravating Factors: Failure to respond to staff and/or staff's request for information.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving § 7-201(J)(4)(a) for failing to respond to the Complainants and failure to deliver documents in a timely manner and §7-201(H)(3)(c), by failing to timely respond to the complaint or Division staff.

It is further recommended that the Board issue a Censure to Penny Burley and That Paralegal Place.

**Renewal of Certification:**

Ms. Burley disclosed a civil probate case in the Maricopa County Superior Court with allegations of negligence and breach of conduct against her business, That Paralegal Place, Inc. The civil suit is against the previous owner, Carol Hoover; and Ms. Burley is not named individually in the matter and is only involved due to being the current owner of the company. The case is still ongoing.

It is recommended to grant renewal of LDP certification to Penny Burley and That Paralegal Place.



# BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, May 23, 2016

## 3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: *Review, discussion and possible action regarding the following applications for initial individual, business entity legal document preparer certification and business entity exemption requests:*

The following applicants have demonstrated that they meet the minimum eligibility requirements for standard certification, the applications are complete and no information has been presented during the background investigation that is contrary to standard certification being granted. Therefore, staff recommends that initial certification be granted to the following:

1. Catherine Nortier
2. Maria Flores
3. Guardianship Assistance
4. MP Legal Services, LLC
5. Janie Stover

Staff recommends that Business Entity Exemptions be granted to Guardianship Assistance and MP Legal Services, LLC.

6. Maricela Regalado has applied for legal document preparer initial certification. Ms. Regalado has met the minimum standards required for certification. Ms. Regalado failed to disclose a civil suit regarding an unpaid bill for the clothing store she and her husband own. The suit has been satisfied. When asked about the civil suit, Ms. Regalado said she honestly forgot.

The Division recommends approval of initial legal document preparer certification for Ms. Regalado with the following non-disclosure language:

*The Board of Legal Document Preparers ("Board") has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

7. Robert Smith submitted a complete application for standard certification as an individual. On his application he disclosed termination of a broker deal contract, but did not disclose a 1997 felony conviction.

### **Failure to Disclose and Lack of Candor Regarding Criminal Conviction and Incident:**

On May 8, 1997, a complaint was filed in the Malibu Municipal Court, charging Mr. Smith with:

- Count 1: 140 PC Fel – Threatening a witness
- Count 2: 136.1(C)(1) PC Fel – Prevent Dissuade Witness with Force/Threat.

On June 24, 1997, he plead nolo contendere to Count 1: 140 PC – threatening a witness/victim and on the same date was convicted and sentenced to formal probation for a period of three years with specific terms and conditions. Count 2 was dismissed due to plea negotiations. Mr. Smith fulfilled the terms of his probation in two years, and on March 3, 1999, the court granted his motion to reduce the charge to a misdemeanor, and ordered that the plea, verdict and finding of guilty be set aside and vacated and a plea of not guilty be entered and that the charged be dismissed.

On his application, (Exhibit 1) Mr. Smith indicated “No” to the questions relating to misdemeanor or felony convictions, however, the background investigation revealed the 1997 felony conviction described above. Not only did Mr. Smith fail to disclose the conviction on the application, throughout the application review process he repeatedly provided to Division Staff conflicting and misleading statements or statements that minimized the conduct about (1) the conviction, (2) his reasons for non-disclosure of the conviction, and (3) the criminal activity.

Initially, when asked to explain why he did not disclose the conviction on his application, Mr. Smith stated in a letter dated July 9, 2015, (Exhibit 2), “...because the charges were dismissed. The question on the application was accurately answered as the application asked for any convictions and these were dismissed.” He quoted the Judge’s order “pursuant to section 17B of the California Penal Code, the charge to be reduced to misdemeanor and pursuant to 1203.4 I 1203.4,4 of the California Penal Code the plea, verdict, or finding of guilt be set aside and vacated and a plea of not guilty be entered, and the complaint be, and is hereby dismissed.”

In the August 2015 interview, when asked about the events, he repeatedly denied the conviction, and he denied entering a plea, being sentenced and serving probation; he also specifically stated, “there was no conviction and later expungement – the charge was dismissed.” All these statements are contrary to the court docket (Exhibit 3) that confirms that on June 24, 1997, he plead nolo contendere to threatening a witness/victim, and on the same date was convicted, and sentenced to formal probation for a period of three years with specific terms and conditions.

After the August 2015 interview, through his attorney, he sent a letter dated December 18, 2015, to Division Staff (Exhibit 4) and explained he answered no to the questions relative to the convictions on the application based on his understanding of the outcome of the judicial proceedings and because the Superior Court of California’s website shows the disposition on both charges as dismissed. In addition, and apparently to support his understanding of the judicial proceedings he quoted California Penal Code 1203.4(a)(1), and highlighted specific verbiage, including “the court shall thereupon dismiss the accusations or information against the defendant.” Mr. Smith’s letter omits the most relevant language of the statute. The omitted language clearly

states that he must disclose the conviction to a direct licensure application question. Because the disclosure requirements in 1203.4 (a)(1) have not changed since Mr. Smith's hearing in 1999, he was and remains obligated to disclose the conviction on the LDP application regardless of his interpretation of the outcome of the judicial proceedings. (Exhibit 5).

In addition, he states in his letter that he "...has never tried to hide this prior matter, and, in fact, disclosure of the proceedings was previously repeatedly made to the Financial Industry Regulatory Authority ("FINRA"), which specifically requests a disclosure of all 'criminal or civil judicial proceedings' in its application." However, Mr. Smith reported only Count 2 which was Prevent Dissuade Witness with Force/Threat. Mr. Smith was not convicted of Count 2 as this count was dismissed as part of his plea to Count 1 which was threatening a witness. Mr. Smith was charged with two counts. He was convicted on one count and the other counter was dismissed as part of a plea.

In April of 2016 the Division again interviewed Mr. Smith to provide him with an opportunity to explain and provide any additional information or documentation relative to his arrest, conviction and rehabilitation, he again explained the non-disclosure as a misunderstanding of the statute and the language of the application and provided a Timeline of Events. (Exhibit 6).

Throughout the application review process, Mr. Smith continually mischaracterized or made statements that tended to minimize his conduct and the details of the crime with which he was charged. For example:

- In the August 2015 interview, he stated that the charges were assault and battery.
- In the August 2015 interview with the Division and in a letter to the Division (Exhibit 2) he described the details of the incident as a physical altercation that occurred when he was a freshman in college and 18 years old.
- In another letter to Division Staff (Exhibit 4) he described the "California Incident" as a confrontation that resulted in two criminal charges.
- In addition, while he provided the codes for which he was charged in correspondence to Division Staff, he did not provide a description of the true charges until the April 2016 interview.
- According to the 1997 Probation Officer's Report (Exhibit 7) , Mr. Smith berated the victim for reporting a previous battery to the police; directed the victim to drop the battery charges against him; and then demanded that the victim get down on his knees and beg for his forgiveness and acceptance, stating to the victim that he had killed people before and after the first time it's easy.

Additionally, Mr. Smith provided the following reasons for his failure to disclose the conviction:

- Initially he explained that "the question on the application was accurately answered as the application asked for any convictions and these were dismissed."
- In the August 2015 interview he stated "there was no conviction and later expungement – the charge was dismissed."
- In a letter submitted through his attorney he stated that he answered no on the application to the questions regarding convictions based on his understanding of the outcome of the

judicial proceedings and because the Superior Court of California's website shows the disposition on both charges as dismissed.

- In the April 2016 interview he explained the non-disclosure as a misunderstanding of the statute and the language of the application.

**Lack of Candor Regarding Sale of an Indexed Annuity and Reason for Contract Termination:**

Mr. Smith disclosed his employment contract termination with MassMutual Financial Group ("MML"), however, his statements to Division Staff have conflicted with information provided by MML. Mr. Smith stated that his employment contract with MML was terminated for selling an indexed annuity. He claimed he did not sell an indexed annuity and that it was the general agent who terminated the contract without cause because he did not go to a meeting to tell his side of the story. (Exhibit 8) However, records obtained by Division staff revealed that MML received a complaint letter which prompted an internal investigation. MML's internal investigation revealed "that Mr. Smith had participated in the sales of equity indexed annuities away from the Firm which is a direct violation of Firm policy." (Exhibit 9). In addition, an MML letter dated August 2015 (Exhibit 10) indicates that "Mr. Smith was discharged which is considered a for cause termination by FINRA." (Financial Industry Regularity Authority - the regulatory authority for brokers and brokerage firms.)

At the August 2015 interview, when Mr. Smith was questioned about selling the indexed annuity away from the firm to the complainant, he stated that the complainant bought one from another agent, and that he was not part of it. Mr. Smith has repeatedly denied selling or having anything to do with the indexed annuity, however, at the April 2016 interview when questioned about a statement (Exhibit 11) provided by MML in which Mr. Smith is listed as the agent of record for the indexed annuity in question, contrary to his previous statements, Mr. Smith said he was an MML agent from whom the claimant bought the indexed annuity. He also explained that his (Mr. Smith's) name was on the statement because he became the change agent for that indexed annuity when the selling agent (Brian) left the firm. The indexed annuity in question is one of the referenced contracts that is included in the Release and Indemnification Agreement entered into by MML and the complainant and the agreement releases specifically Robert J. Smith. It is apparent to Division Staff that Mr. Smith has not been candid with Division Staff regarding his involvement with the indexed annuity.

Mr. Smith also claimed that MML confirmed with his legal counsel that they did not terminate his contracts and that MML found zero factual basis to terminate his contracts for any reason. However, in August 2015, MML provided a letter to Division staff which states, in part: "Mr. Robert Smith was terminated following an internal review which was initiated in February 2011 as the result of the customer complaint about which information was previously provided. An interview with Mr. Smith was conducted in April 2011. The internal review continued following the interview including the review of supplemental documentation and information. Based upon the totality of the information and documentation reviewed, Mr. Smith was terminated. Contrary to Mr. Smith comments, he was not terminated for selling an indexed annuity." (Exhibit 10). While there appears to be conflicting information regarding the reason for the contract termination, given Mr. Smith's lack of candor regarding his involvement with the indexed annuity, it is difficult

for Division Staff to conclude that Mr. Smith has been candid regarding the reason for the contract termination.

In summary:

- Mr. Smith disclosed a contract termination with MML and stated that he believed that MML terminated the contract because he sold an indexed annuity.
- Mr. Smith claimed he did not sell the indexed annuity and the contract was terminated because he did not attend a meeting regarding a customer complaint.
- Mr. Smith repeatedly denied selling or having anything to do with the indexed annuity.
- Records obtained by the Division revealed that an MML internal investigation found “that Mr. Smith had participated in the sales of equity indexed annuities away from the Firm which is a direct violation of Firm policy.”
- The Division obtained a statement in which Mr. Smith is listed as the agent of record for the indexed annuity.
- When confronted with the statement, Mr. Smith said that his name was on the statement because he became the change agent for that indexed annuity when the selling agent left the firm.

**Recommendation:**

In considering a recommendation to the Board, Division Staff acknowledges that the felony conviction was almost 20 years ago and Mr. Smith was 18 years of age at the time and that over the years he has obtained several professional licenses and has been involved in numerous community activities. (Exhibit 12). However, the nature of the crime is disconcerting to Division Staff. Furthermore, Division Staff has serious concerns regarding Mr. Smith’s failure to disclose the felony conviction as well as his lack of candor during the application process relating to the conviction, the incident surrounding the conviction, and his involvement with the indexed annuity.

Therefore, Division Staff has determined that Mr. Smith has not met his burden of demonstrating he is qualified for certification, and therefore, Division Staff recommends the Board deny certification on the following basis:

1. For his failure to disclose information on the certification application subsequently revealed through the background check, for the 1997 criminal conviction, pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xv).
2. For making false or misleading oral or written statements to division staff regarding the (1) the 1997 criminal conviction, (2) the reason for nondisclosure of the conviction, (3) the criminal activity, (4) the reason for the termination of his contract with MML, and (5) his involvement in the sale of the equity indexed annuity pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xiv).

# **BOARD OF LEGAL DOCUMENT PREPARERS**

**Agenda Summary – Monday, May 23, 2016**

## **3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-B: Update and possible action regarding the denial of Bernadette Barba's initial certification application and Cease and Desist.*

Staff will provide an update to the Board.

# BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, May 23, 2016

## 4) RENEWAL CERTIFICATION APPLICATIONS

*4-A: Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification:*

1. Fedelyne Bernabe has submitted an application for renewal of standard certification. The application is complete, no information has been presented during a background review which is contrary to renewal of standard certification being granted and the certificate holder has demonstrated she meets the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to Ms. Bernabe.

2. Edna Gomez-Green has met the minimum standard for her renewal as an LDP. Ms. Gomez also submitted a business renewal application for Fresh Start Women's Foundation and failed to disclose that a business member on the Fresh Start Women's Foundation's business application was involved in two superior court civil cases. In one case, she was named an intervenor regarding a large debt case and in the second, as a plaintiff.

The Division recommends renewal of certification for Ms. Gomez-Green and that her renewal letter contain language which alerts her to the importance of verifying all information when she assist another in completing an application for certification.

3. Amelia Mora has met the minimum standard for her renewal as an LDP. Ms. Mora also submitted a business renewal application for AALL Immigration Services, LLC and failed to disclose, that a business member on the AALL Immigration Services, LLC business application was involved in a civil Superior Court case. In that case the business member was listed as a defendant for being delinquent in property taxes.

The Division recommends renewal of certification for Ms. Mora and that her renewal letter contain language which alerts her to the importance of verifying all information when she assists another in completing an application for certification.

Division Staff has processed the following applications for renewal certification which are being submitted to the Board for additional review and consideration. In the event the recommendation is to grant with non-disclosure language, the following language would be used:

*The Board of Legal Document Preparers ("Board") has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your*

*colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

4. Vanessa Bermudez has met the minimum standard for her renewal as an LDP. In addition to her individual renewal application, Ms. Bermudez submitted a renewal business legal document preparer program application for Centro de Progreso, LLC, on July 20, 2015, stating that she was the designated principal as well as the owner. A subsequent background check by the Division revealed that her father, Elias Bermudez Sr. and brother, Elias Bermudez Jr. were the owners of Centro de Progreso and that Ms. Bermudez did not have ownership interest. Ms. Bermudez stated "I am greatly sorry for not providing all the information required for the business license. I was misinformed."

The Division recommends approval of LDP renewal certification for Ms. Bermudez with non-disclosure language.

5. Michael Law has met the minimum standard for his renewal as an LDP. Mr. Law failed to disclose a superior court civil case in which ABC Plumbing and Rooter Company sued him, Ronald Reed and their company, Law and Reed, CPAs, PC, for failing to discover that an employee from ABC Plumbing and Rooter Company was embezzling funds. The case was settled and has been dismissed with prejudice. Michael Law's CPA is also active and in good standing. Michael Law stated "it was not admitting guilt but settling a case out of court to make this lawsuit be finalized, that is was final and over. Perhaps, that is why it inadvertently was undisclosed on the legal document preparer application."

The Division recommends approval of LDP renewal certification for Mr. Law with non-disclosure language.

6. Mark Lepire has met the minimum standard for his renewal as an LDP. Mr. Lepire failed to disclose a Maricopa Justice Court case that later turned into a civil superior court case concerning an HOA issue. When questioned by the Division, Mr. Lepire stated, "This case does not pertain to me direct, but is against Vogel Place Home Owners Association in which I am a Board member of the Association and an owner is suing the HOA." A subsequent investigation by the Division, revealed that Mr. Lepire is listed in the civil lawsuit independently as a Defendant and is the President of the HOA. The undisclosed civil case has allegations of breach of the association covenants, conditions and restrictions, and breach of statutory regulations of the Arizona Condominium Act. The Plaintiff alleges that Mr. Lepire and the HOA filled in a swimming pool without proper HOA Board approval, utilized a contractor that had a previous business relationship with Mr. Lepire (citing a conflict of interest) and not getting three competitive bids from licensed contractors thus resulting in a higher cost to the association. The Plaintiff also alleges that the HOA, including Mr. Lepire, did not provide proper documentation regarding a landscaping project and probably overpaid \$2,400.00 more than the current market value. The case is still ongoing.



The Division recommends approval of LDP certification for Mr. Lepire with non-disclosure language.

7. Patricia Morrison has met the minimum standard for her renewal as an LDP. Ms. Morrison failed to disclose a civil superior court with allegations of conversion and mismanagement of HOA records. The allegations of conversion consisted of wrongful possession of accounting records, checks from residents and other personal items belonging to the HOA. The form of payment made to the HOA during the tenure of the Morrison Group, INC consisted of direct deposits and checks made to the Morrison Group, INC. and not the HOA. The HOA President stated he did not know if there were any loss of funds due to the inadequate record keeping of Ms. Morrison and her company. The case has since been settled with certain court orders being implemented, including the removal of Morrison Group as the Preserve's management, the Ex-Treasurer of the HOA paying \$3,000.00 and dismissal of the lawsuit with prejudice and with each party to bear its own fees and costs with no admission of fault by any party. Ms. Morrison stated "I'm sorry I didn't realize that I overlooked providing information regarding a lawsuit."

The Division recommends approval of LDP renewal certification for Ms. Morrison with non-disclosure language.

8. Ronald Reed has met the minimum standard for his renewal as an LDP. Mr. Reed failed to disclose a superior court civil case in which ABC Plumbing and Rooter Company sued him, Michael Law and their company Law and Reed, CPA's PC for failing to discover that an employee from ABC Plumbing and Rooter Company was embezzling funds. The case was settled and has been dismissed with prejudice. Ronald Reed's CPA is also active and in good standing. Michael Law the designated principal, stated "it was not admitting guilt but settling a case out of court to make this lawsuit be finalized, that it was final and over. Perhaps that is why it inadvertently was undisclosed on the Legal Document Preparer application."

The Division recommends approval of LDP renewal certification for Mr. Reed with non-disclosure language.

# BOARD OF LEGAL DOCUMENT PREPARERS

## Agenda Summary – Monday, May 23, 2016

### 4) RENEWAL CERTIFICATION APPLICATIONS

*4-B: Review, discussion and possible action regarding the following applications for renewal of business entity legal document preparer certification:*

Division Staff has processed the following applications for renewal certification which are being submitted to the Board for additional review and consideration. In the event the recommendation is to grant with non-disclosure language, the following language would be used:

*The Board of Legal Document Preparers ("Board") has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

1. AALL Immigration Services, LLC, has met the minimum standard for renewal as an LDP business. Ms. Mora, the designated principal of AALL Immigration Services, LLC, failed to disclose a civil superior court case in which the owner of AALL Immigration Services, LLC, was listed as the defendant for being delinquent in property taxes.

The Division recommends renewal for AALL Immigration Services, LLC with non-disclosure language.

2. AAM, LLC, has met the minimum standard for renewal as an LDP business. AAM, LLC, failed to disclose a superior court civil case which consisted of HOA matters in which a tenant suffered health issues related to pigeon droppings and is still ongoing. Christine Grant the designated principal stated "I misread the question and had not understood that it included matters not related to AAM's certification as a Legal Document Preparer."

The Division recommends approval of LDP renewal certification for AAM, LLC, with non-disclosure language.

3. Fresh Start Women's Foundation has met the minimum standard for renewal as an LDP Business. Fresh Start Women's Foundation failed to disclose its chair-person had been an intervenor in one civil debt case and a plaintiff in a second one. Both cases are still waiting for a deposition.

The Division recommends renewal of certification for Fresh Start Women's Foundation with non-disclosure language.

4. Law and Reed, CPAs, P.C., has met the minimum standard for renewal as an LDP Business. Law and Reed, CPAs, P.C., failed to disclose a superior court civil case in which ABC Plumbing and Rooter Company sued them, Michael Law and Ronald Reed for failing to discover that an employee from ABC Plumbing and Rooter Company was embezzling funds. The case was settled and has been dismissed with prejudice. Michael Law, the designated principal stated "it was not admitting guilt but settling a case out of court to make this lawsuit be finalized, that was final and over. Perhaps that is why it inadvertently was undisclosed on the Legal Document Preparer application."

The Division recommends approval of LDP renewal certification for Law and Reed, CPAs, P.C., with non-disclosure language.

5. Morrison Group, Inc. has met the minimum standard for renewal of LDP business certification. The Morrison Group, Inc. failed to disclose a civil superior court case with allegations of conversion and mismanagement of HOA records. The president of the HOA stated that files and records that were maintained by Ms. Morrison and her company, Morrison Group, Inc. was not filed in order and were even mixed in with different HOAs. The HOA president stated he did not know if there were any loss of funds due to the inadequate record keeping of Ms. Morrison and her company. The case has been settled with certain court orders being implemented, including the Morrison Group ceased being the Preserve's management, the ex-treasurer of the HOA paying \$3,000.00 and dismissal of the lawsuit with prejudice and with each party to bear its own fees in cost with a no admissions at fault by any party.

The Division recommends renewal of certification for Morrison Group, Inc. with non-disclosure language.

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### **4) RENEWAL CERTIFICATION APPLICATIONS**

*4-C: Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification and continuing education audit submissions:*

1. Nannette Jones submitted an application for renewal of standard certification. Ms. Jones was also audited for the continuing education compliance required pursuant to ACJA§ 7-208(G) and (L). Ms. Jones's application is complete, no information has been presented during a background review which is contrary to standard certification being granted and Ms. Jones has demonstrated she meets the minimum eligibility requirements for standard certification. Ms. Jones has also demonstrated she has completed the required continuing education during the renewal period. It is recommended renewal of standard certification be granted to Nannette Jones.

2. Jacqueline Bosnic applied for renewal of her LDP certification. Ms. Bosnic has met the minimum standards for her renewal as an LDP. Ms. Bosnic answered "No" to having the required hours of continuing education. Ms. Bosnic was not selected for random audit but rather asked for an audit of her CE by Division.

Ms. Bosnic was not certified during the May 1, 2013 thru April 30, 2014 first reporting period.

Ms. Bosnic had five (5) hours of CE for the May 1, 2014 thru April 30, 2015 second reporting period. Ms. Bosnic made up five (5) hours after the second reporting period ended.

Division recommends approval of the LDP Renewal Certification for Ms. Jacqueline Bosnic with the Continuing Education Remedial Actions.

3. Stephen Trezza applied for renewal of his LDP certification. Mr. Trezza has met the minimum standards for his renewal. Mr. Trezza answered "Yes" that he had met the Continuing Education requirements on his renewal application. Mr. Trezza was randomly audited and selected to produce his CE to Division. Mr. Trezza reported (27) hours of CE for the two year renewal period, which included (3) hours of ethics. The only issue is that Mr. Trezza only completed (9) hours of CE in the first reporting period and did not complete any ethics. In the second reporting period, Mr. Trezza completed (18) hours of CE with (3) hours of ethics.

Division recommends renewal of certification for Stephen Trezza with the Continuing Education Remedial Actions.

4. Concepcion Zambrano applied for renewal of her LDP certification. Ms. Zambrano has met the minimum standards for her renewal. Ms. Zambrano answered "No" that she had not met the Continuing Education requirements on her renewal application. Ms. Zambrano was audited

and selected to produce her CE to Division. Ms. Zambrano reported (10.25) hours of CE for the first reporting period and is compliant. In the second reporting period Ms. Zambrano reported (9) hours of CE with two of those hours being completed outside the timeframe thus leaving her deficient by (3) hours.

Division recommends renewal of certification for Concepcion Zambrano with the Continuing Education Remedial Actions.

5. Melissa Pullins applied for renewal of her LDP certification. Ms. Pullins has met the minimum standards for her renewal as an LDP. Ms. Pullins answered "Yes" that she had met the continuing education requirements on her renewal application. Ms. Pullins was picked in the random audit and produced her CE to Division, where the audit showed Ms. Pullins took all of her CE in the form of self-study. Division chose to accept Live Webcast which made Ms. Pullins's second reporting period compliant, but still left her 50% deficient during the first reporting period, which required Ms. Pullins to take (5) more hours of CE this is not in the form of self-study. Division notified Ms. Pullins to take (5) more hours of CE, which she agreed to take (5) hours of "OnDemand" CE to make up her first reporting period deficiency, in which she complied. Ms. Pullins has also submitted her compliant CE for the first reporting period for the 2015-2017 renewal cycle.

Division recommends renewal of certification for Melissa Pullins with the Continuing Education Remedial Actions.

6. Joyce Rose applied for renewal of her LDP certification. Ms. Rose has met the minimum standards for her renewal as an LDP. Ms. Rose answered "Yes" that she had met the continuing education requirement on her renewal application. Ms. Rose was picked in the random audit and produced her CE to the Division. Ms. Rose was originally certified January 26, 2015 and only had to produce CE for the second reporting period. The audit showed Ms. Rose completed nine (9) hours of CE which included an hour of Ethics. Ms. Rose has since completed her deficient CE and provided the Division with her annual CE which is in compliance for the 2016 reporting period.

Division recommends renewal of certification for Joyce Rose with the Continuing Education Remedial Actions.

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## **4) RENEWAL CERTIFICATION APPLICATIONS**

*4-D: Update regarding pending renewal applications.*

There are currently eight (8) individual and two (2) business entity renewal applications pending.

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### **5) CERTIFICATION AND ELIGIBILITY**

*5-A: Review, discussion and possible action regarding the request for voluntary surrender from the following certificate holders:*

1. Annick Rodarte, certificate number 81456:

On July 22, 2013, the Board of Legal Document Preparers granted initial certification to Ms. Rodarte.

On May 5, 2016, Ms. Rodarte submitted a request for consideration by the Board to accept the voluntary surrender of her individual certification, certificate number 81456.

2. Brianne Roberts, certificate number 81620:

On July 20, 2015, the Board of Legal Document Preparers granted initial certification to Ms. Roberts.

On May 9, 2016, Ms. Roberts submitted a request for consideration by the Board to accept the voluntary surrender of her individual certification.

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### **5) CERTIFICATION AND ELIGIBILITY**

*5-B: Review, discussion and possible action regarding the request for waiver of continuing education requirements from certificate holder, Stephanie Villalobos.*

Stephanie Villalobos is requesting that the Board waive her continuing education requirements for the first reporting period of the 2016-2017 renewal cycle, May 1, 2015 thru April 30, 2016, due to health issues.



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- 6) **PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING  
BERNADETTE BARBA'S REQUEST FOR CERTIFICATION AND  
SUBSEQUENT DENIAL**

Staff will present information at the meeting.

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## **7) ADMINISTRATIVE ISSUES**

*7-A: Update on subcommittee to review possible Code changes concerning continuing education.*

Staff will provide an update at the meeting.